

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 634 of 2023

Dineshwar Giri, S/o Late Kailash Giri, aged about 82 years, resident of Village-Pachmo, P.O.-Sangbar, P.S.-Lesliganj, District-Palamau, Jharkhand

... .. **Petitioner**

Versus

1. The State of Jharkhand
2. Rajesh Sah, Sub-Divisional Officer, Sadar at Daltonganj, S/o not known, P.O. & P.S.-Daltonganj (Town), District-Palamau, Jharkhand
3. Parshu Ram Giri, son of Late Balchand Giri, resident of Village-Pachmo, P.O.-Sangbar, P.S.-Lesliganj, District-Palamau, Jharkhand

... .. **Opp. Parties**

PRESENT

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner	: Mr. Sudhanshu Shekhar, Advocate Mr. M.K. Choubey, Advocate
For the State	: Mrs. Vandana Bharti, A.P.P.
For the O.P. No. 3	: Mr. Vishnu Prabhakar Pathak, Advocate Ms. Manisha Kumari, Advocate

ORDER

Order No. 09/ Dated: 08th July, 2026

1. Heard Mr. Sudhanshu Shekhar, learned counsel for the petitioner, Mrs. Vandana Bharti, learned A.P.P. for the State and Mr. Vishnu Prabhakar Pathak, learned counsel appearing on behalf of opposite party No.3.

2. Instant criminal revision is directed against the order dated 24.04.2023 passed in Misc. Case No. 67 of 2023 by learned Sub-Divisional Magistrate, Sadar, Medininagar (Daltonganj), whereby and whereunder the proceedings initiated under Section 144 Cr.P.C. was dropped with a direction to Circle Officer, Lesliganj to undertake measurement/demarcation of land in question in the presence of both parties.

Factual Matrix

3. Factual matrix giving rise to this revision is that a proceeding under Section 144 Cr.P.C. was initiated in respect of agricultural land by the opposite party No.3 against the petitioner and their sons stating therein that the petitioner and his brother, Purushottam Giri purchased the land situated in Village-Haratua, P.S.-Lesliganj, District-Palamau having Khata No. 124, Plot No. 1650 area 0.30 acre and the land of Khata No.1, Plot No. 1648 area 0.07½ acre through a registered Sale Deed No. 7290 dated 10.08.1989 from the rightful holder Rambadan Giri, son of Sri Kshameshwar Giri. After purchasing the land, the purchasers came into peaceful cultivating possession of the same. Thereafter, they applied for mutation before the concerned Circle Officer. The Circle Officer of Lesliganj Circle, after following the due formalities of law, allowed the mutation in the names of the purchasers and in recognition and confirmation of their tenancy, rent receipts granted in their names.

Petitioner along with his sons (second party before the court below) is trying to disturb the possession of the opposite party No.3 (first party) and extending threatening to harvest the wheat crops of the opposite party No.2 (first party) and prayed for initiation of the proceeding under Section 144 Cr.P.C. It further appears that in the year 2015, the co-sharer, one Sita Ram Giri for the first time submitted an application before the Secretary, District Legal Services Authority, Palamau for demarcation of said land. The said application was forwarded to the Circle Officer, Lesliganj, vide letter No. 612

dated 22.04.2015 for enquiry and submission of a report. Subsequently, the Circle Officer, Lesliganj, has sent a report to the Secretary D.L.S.A., Palamau vide letter No.171 dated 30.04.2015, stating therein that, this is not a matter of demarcation, it is a matter of right and title, so matter is beyond the jurisdiction of the Circle Officer. Thereafter, the co-sharer, namely Sita Ram Giri has filed a Title Suit bearing O.S No. 48 of 2016. In the said suit, the petitioner and some interested parties have filed an application for impleadment as a party, but in spite of filing rejoinder, Sita Ram Giri (plaintiff) has filed a petition for withdrawal, which was allowed with restriction on 21.02.2022. Thereafter, the co-sharer again filed an application for demarcation before Circle Officer, Lesliganj and on objection that the petition is still pending since 27.11.2022. Proceedings under Section 144 Cr.P.C. vide Misc. Case No. 66 of 2023 was also pending. The learned Sub Divisional Magistrate without calling any report either from concerned police station or from the Circle Officer, initiated the proceeding under Section 144 Cr.P.C. against the petitioner and the same has been dropped with a direction to Circle Officer, Lesliganj for measurement/demarcation of the land.

4. Learned counsel for the petitioner assailing the impugned order has submitted that the opposite party No.3 has filed an application under Section 144 Cr.P.C. before the learned Sub-Divisional Magistrate, Sadar, Medinagar, despite the fact that an earlier proceeding under Section 144 Cr.P.C. being Misc. Case No. 66 of 2023, was already pending between the parties. It is further submitted

that although, the learned Magistrate dropped the present proceeding, he exceeded the jurisdiction vested in him under Section 144 Cr.P.C. by directing the Circle Officer, Lesliganj, to measure and demarcate the land in question, which is absolutely illegal and beyond the scope of Section 144 of the Cr.P.C. The order passed by the learned S.D.M. for demarcation of the property in question is outside the jurisdiction under Section 144 Cr.P.C. rather, a separate proceeding, as per law is to be adopted for demarcation. It is, therefore, contended that the said direction has been issued without jurisdiction and without proper appreciation of the facts and materials available on record, which is liable to be set aside.

5. On the other hand, learned A.P.P. as well as learned counsel appearing on behalf of opposite party No.3 has supported the impugned order. It has been submitted that the petitioner has been attempting to interfere with the possession of the opposite party No.3 over the disputed land and has raised disputes regarding the actual boundary and possession. It is contended that in view of the dispute, the learned Sub-Divisional Magistrate rightly observed that the controversy could effectively be resolved only after proper measurement of the land by the competent revenue authority. It is further submitted that the direction issued to the Circle Officer was intended merely to ascertain the correct boundary of the disputed land so as to prevent future disputes and maintain peace between the parties. It is therefore contended that no prejudice has been caused to the petitioner by such direction and the learned Magistrate has passed

the impugned order in the interest of justice. Accordingly, it is submitted that the present application is devoid of merits and fit to be dismissed.

6. I have carefully perused the record of the case as well as the impugned order in the light of submissions advanced on behalf of the parties, this Court finds that the only issue for consideration is whether the learned Sub-Divisional Magistrate, while exercising jurisdiction under Section 144 Cr.P.C., has exceeded its jurisdiction by directing the Circle Officer, Lesliganj to undertake measurement and demarcation of the disputed land.

7. The impugned order reveals that although the proceeding under Section 144 Cr.P.C. was dropped, the learned Magistrate directed the Circle Officer to measure and demarcate the disputed land. The jurisdiction under Section 144 Cr.P.C. is preventive in nature and does not extend to issuing directions for measurement or demarcation of land, which is required to be undertaken in an appropriate proceeding under the relevant revenue law. Therefore, such direction is beyond the scope of Section 144 Cr.P.C. and without jurisdiction.

8. Therefore, this Court is of the considered opinion that the learned Sub-Divisional Magistrate, Sadar, Medininagar (Daltonganj), exceeded the jurisdiction vested in him under Section 144 Cr.P.C. by directing the Circle Officer, Lesliganj to undertake measurement and demarcation of the disputed property. The said direction is clearly without jurisdiction and therefore, cannot be sustained in the eyes of law.

9. Hence, the part of the order for the dropping of proceedings under Section 144 Cr.P.C. is not required to interfere, but so far the part of the order directing the Circle Officer to undertake measurement is set aside.

10. Accordingly, Criminal Revision No. 634 of 2023 is hereby **partly allowed** and disposed of.

11. Pending I.A(s), if any, stands disposed of.

12. Let a copy of this order be sent to the concerned Trial Court for information and needful.

(Pradeep Kumar Srivastava, J.)

08.07.2026

Arpit

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